

**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of Docket No: Q112119  
Hiroyuki NAKAMURA  
Appln. No.: 10/571,993 Group Art Unit: 3728  
Confirmation No.: 5590 Examiner: PAGAN, JENINE MARIE  
Filed: March 15, 2006  
For: MEDICAL TREATMENT KIT

**SUBSTITUTE AMENDMENT UNDER 37 C.F.R. § 1.111**

**MAIL STOP AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Amendment Under 37 C.F.R. § 1.111 is a substitute for an Amendment Under 35 U.S.C. § 114(c) that was filed on March 26, 2009, and was fully responsive to the Office Action mailed October 6, 2008. The Amendment as filed was accompanied by a request for an RCE. However, the Office Action dated October 6, 2008 was a first Office Action after filing an RCE by previous counsel on September 3, 2009. Prosecution was not closed. Pursuant to the provisions of MPEP 706.07(h), the filing of an RCE and Amendment under 37 CFR § 114 is improper since “An applicant cannot request continued examination of an application until after prosecution in the application is closed. See 37 CFR 1.114(a).“ Accordingly, the Commissioner for Patents is respectfully requested to treat the previously filed Amendment as a submission under 37 C.F.R. § 1.111 or to amend the above-identified patent application as follows:

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